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REMARKS

Applicants would like to thank the Examiner for the courteous and productive personal interview held on October 6, 2005. Applicants agree that the Interview Summary form PTOL-413 completed by the Examiner correctly sets forth the substance of the interview.

During the interview, the Examiner expressed concern that the term “substantially perpendicular” added to the claim in the prior Amendment might be considered to be imprecise. In order to alleviate the Examiner’s concern, claims 107 and 110 have been amended herein to delete this term, and to clarify the nature of the angle at which the muntin retainer projects. In particular, claims 107 and 110 now specify that the muntin retainer projects (or extends away) from an upper surface of the upper platform at a substantially 90° angle that will maintain the main portion of the muntin bar between and in parallel with the spaced parallel glazing panes. New claims 122 and 123 have been added to further specify that the “angle” recited in claims 107 and 110 is 90°. As discussed during the interview, the actual angle may diverge somewhat from exactly 90° due to manufacturing tolerances, and it is intended for the claims to cover such variations.

Applicants respectfully submit that the “substantially 90° angle” language in claims 107 and 110, and the “substantially perpendicular” language in claim 108, meets the requirement of definiteness required by 35 U.S.C. §112. In particular, it is well established that when the term “substantially” serves reasonably to describe the subject matter so that its scope would be understood by persons in the field of the invention, and to distinguish

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the claimed subject matter from the prior art, it is not indefinite. Indeed, the term “substantially” is a descriptive term commonly used in patent claims to “avoid a strict numerical boundary to the specified parameter.” See *Verve LLC v. Crane Cams Inc.*, 65 USPQ2d 1051 (CA FC 2002); *Ecolab Inc. v. Envirochem, Inc.*, 264 F.3d 1358, 1367, 60 USPQ2d 1173, 1179 (Fed. Cir. 2001); and *Pall Corp. v. Micron Separations, Inc.*, 66 F.3d 1211, 1217, 36 USPQ2d 1225, 1229 (Fed. Cir. 1995).

Moreover, if one of ordinary skill would understand the claimed requirements from the patent, the claim language is not indefinite. See *Howmedica Osteonics Corp. v. Tranquil Prospects Ltd.*, 74 USPQ2d 1680 (CA FC 2005). In the present case, Applicants submit that it would definitely be clear to one skilled in the art what is meant by the “substantially 90° angle” and “substantially perpendicular” language in the claims. And, Applicants respectfully point out that the standard of indefiniteness is, as noted by the court in *Amgen Inc. v. Hoechst Marion Roussel Inc.*, 65 USPQ2d 1385 (CA FC 2003), “somewhat high; a claim is not indefinite merely because its scope is not ascertainable from the face of the claims.” See also, *LNP Eng'g Plastics, Inc. v. Miller Waste Mills, Inc.*, 275 F.3d 1347, 1359-60, 61 USPQ2d 1193, 1202 (Fed. Cir. 2001) (affirming district court finding that patent was not indefinite, despite testimony from a co-inventor that he did not understand what the claim limitation “substantially completely wetted” meant).

Accordingly, the present claims clearly meet the requirements of 35 U.S.C. §112. The claims also clearly define over the prior art cited by the Examiner, as explained in detail in the Amendment mailed on September 19, 2005.

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In view of the above, the Examiner is respectfully requested to enter the present amendment, allow each of the pending claims, and to pass this application on to an early issue. If there are any remaining matters that need to be addressed in order to place this application into condition for allowance, the Examiner is respectfully invited to telephone Applicant's undersigned attorney.

Respectfully Submitted,



Barry R. Lipsitz
Lipsitz & McAllister, LLC
Attorneys for Applicant
Registration No.: 28,637
755 Main Street
Monroe, CT 06468
(203) 459-0200

ATTORNEY DOCKET NO.: IND-126

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